THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26541 OF 2006

DATED 22nd DECEMBER, 2006

Between

A.Shankar Rao and another

… Petitioners

AND

The State of A.P., rep.by its District Collector, Ranga Reddy District, Hyderabad, and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26541 OF 2006

ORDER:

The first petitioner and the second petitioner have allegedly purchased the property admeasuring Acs.10.13 guntas in survey No.168 situated at Daira village of Keesara Mandal in Ranga Reddy District from Smt.Lingamani under registered sale deeds dated 27.03.1997 and 29.03.2007 respectively. It is the case of the petitioners that the property was originally owned by M.A.Razak and Nukalagudem Nagaiah, who jointly executed sale deed in favour of Lingamani on 12.03.1980. However, respondents 5 to 23 herein filed a suit being O.S.No.708 of 1996 on the file of the Principal Subordinate Judge, Ranga Reddy District against Lingamani, for declaration of title and rectification of entries in record of rights (RoR) and the same was decreed *ex parte* on 18.10.2003. Thereafter, respondents 5 to 23 filed an application before the third respondent (Revenue Divisional Officer (RDO)) for grant of Occupancy Rights Certificate (ORC) presumably under A.P.(Talangana Area) Abolition of Inams Act, 1955 (Inams Abolition Act, for brevity). The RDO granted ORC vide proceedings No.J/3606/1998, dated 30.12.2003. The contesting respondents approached the fourth respondent (Mandal Revenue Officer (MRO)) for implementing ORC and issue of pattadar pass books and title deeds (PPB/TDs) duly apportioning their respective shares. The MRO conducted enquiry and issued proceedings No.B/5490/2004, dated 23.11.2006 ordering registration of respondents 5

to 23 as pattadars and possessors in RoR and issue of PPB in their favour as per the shares allotted to four branches of their family. Aggrieved by the orders of the MRO, present writ petition is filed[1].

It is the case of the petitioners that respondents obtained *ex parte* decree, dated 18.10.2003 in O.S.No.708 of 1996 against Smt.Lingamani, without impleading the petitioners herein. Subsequently, on an application moved by the defendant therein, *ex parte* decree was set aside restoring the suit. Respondents 5 to 23, subsequently, did not however press the suit, and therefore, the suit was dismissed as not pressed. Notwithstanding this, respondents played fraud and obtained ORC and favourable orders from the MRO. Therefore, any orders of the revenue authorities are not binding on the petitioners. It is also contended that though the facts were brought to the notice of the Joint Collector, the second respondent herein, the revision was dismissed by non-speaking order resulting in passing of the impugned order by the MRO. These submissions are reiterated by the learned counsel for the petitioners. **Per contra**, learned Assistant Government Pleader opposed the writ petition. Relying on Section 8(2) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the RoR Act, for brevity), learned Assistant Government Pleader contends that if any person is aggrieved by RoR, by reason of alleged title, such person has to claim remedy in civil Court and that this writ petition is wholly misconceived.

This writ petition is wholly misconceived. There is no dispute that respondents 5 to 23 obtained ORC from RDO and then filed application before the MRO for implementation of ORC as well as grant of PPB. As rightly pointed by the learned Assistant Government Pleader, Section 8(2) of the RoR Act permits a person aggrieved by the RoR to approach a civil Court. Therefore, it is only the civil Court decree, which would govern the RoR and PPB. The petitioner is given liberty to approach the civil Court.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

22.12.2006.
pln

[1] The affidavit accompanying the writ petition is not cohesive, comprehensive and logical. After perusing the affidavit and the impugned order, the above brief facts are culled out.